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May 8, 2006

Honorable Douglas F. Eaton, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan, U.S. Courthouse
500 Pearl Street, Room 1360
NY, NY 10007-1312

Re: Pinero vs. Greiner
Docket No. 01-CV-09991
(DLC)(DFE)

Dear Judge Easton:

As the Court is well aware on March 8, 2006, Petitioner moved this Court to stay his habeas proceedings, so that he may supplement such proceedings with his state court claim that trial counsel was ineffective during plea negotiations. At such time, the trial court had not yet reached a decision on Petitioner's CPL § 440.10 (Motion to Vacate) claim of trial counsel's effectiveness.

By Decision and Order dated April 5, 2006, the trial court has since denied Petitioner's Motion to Vacate Judgment of Conviction. Furthermore, by Notice of Entry dated April 6, 2006, the State served Petitioner with notice of that decision. On April 26, 2006, Petitioner duly filed an Application for Leave to Appeal to the Appellate Division, therein. (See Attached Notice of Motion). The return date on that Application is May 19, 2006. The State has already filed and served its response thereto. Therefore, Petitioner submits this letter along with the Notice of Motion, in support of his Application to stay proceedings.

Should the Court have any questions, counsel may be reached at (973) 395-9777. Thank you.

Sincerely,

Damond J. Carter, Esq.
Enclosure

BY ECF & FIRST CLASS MAIL

cc: Honorable Denise Cote, U.S.D.J.
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan, U.S. Courthouse
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